

SUNSHINE REFORM TASK FORCE MEETING MINUTES

**Thursday, January 4, 2007
6:00pm – 8:30pm**

City Hall W-118

Present: Ed Rast, Strong Neighborhoods Initiative PAC; Ken Podgorsek, United Neighborhoods of SCC; Virginia Holtz, Willow Glen Neighborhood Assoc.; Joan Rivas-Cosby, Five Wounds/Brookwood Terrace Neighborhood Advisory Committee; Bobbie Fischler, League of Women Voters; Dan Pulcrano, Silicon Valley Leadership Group; Bob Brownstein, South Bay Labor Council; Susan Goldberg, San José Mercury News; Nanci Williams, San José/Silicon Valley Chamber of Commerce; Edward Davis, Orrick Law Firm (Legal Counsel); Brenda Otey, At Large-Representative; Mary Ann Ruiz, Parks and Recreation Commission; Karl Hoffower, Citizens Commission on Human Rights .

Absent: Margie Matthews, Former Councilmember; Dave Zenker, Falls Creek Neighborhood Association; Judy Nadler, Markkula Center for Applied Ethics.

Staff: Lee Price, City Clerk; Dottie Disher, Office of the City Clerk; Lisa Herrick, Senior Deputy City Attorney; Dan McFadden, Interim Deputy City Manager; Eva Terrazas, Office of the City Manager/Redevelopment Agency; Sheila Tucker, Office of the City Manager; Tom Manheim, Office of the City Manager.

I. Approval of December 7, 2006 Meeting Minutes

The December 7, 2006 minutes were amended to reflect:

A. The following leads among each Work Plan category include:

<u>Category</u>	<u>Lead</u>
Public Meetings	Ken Podgorsek
Public Information	Bobbie Fischler and Virginia Holtz
Public Records	Susan Goldberg and Dan Pulcrano
Technology	Dan Pulcrano
Enforcement	Ken Podgorsek
Ethics & Conduct	Judy Nadler and Dave Zenker

B. Task Force member Bob Brownstein will lead discussions related to budget issues.

C. Bobbie Fischler was present at the December 7, 2006, meeting.

Upon a motion by Ken Podgorsek, seconded by Dan Pulcrano, the December 7, 2006, minutes were approved as amended with two abstentions, Task Force members Brenda Otey and Mary Ann Ruiz (absent 12/7/06).

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II. Comments from Chair

Chair Rast suggested the next meeting focus on Closed Session. In addition, the Task Force welcomed Mary Ann Ruiz, Parks and Recreation Commissioner, as a new member of the Task Force.

III. Review of Meeting Material

Staff provided an overview of the documents for the meeting.

III. Discussion on Public Meetings Category - Definitions (Continued from 12/7/06)

A. Definition of a Policy Body

The Task Force discussed modifications to the Policy Body definition as proposed by Task Force member Bob Brownstein as outlined in the memo, *Modifications of Policy Body Language*, dated 12/20/06.

Upon a motion made by Ken Podgorsek, seconded by Joan Rivas-Cosby, the Task Force agreed to revise the current definition of Policy Body and Ancillary Body to reflect Bob Brownstein's recommendations with the following amendments:

1. Exclude Items 1 and 3 from Section E of Policy Body.
2. Add "or is greater than 50% of their total operating budget" to Section 1a. of Policy Body, "an organization that receives less than \$200,000 in City funds per year for a specific City function."
3. Add land use as Item 1.G. to the definition of a Policy Body related to examples of core city services.
4. Eliminate B in the current definition of Ancillary Body.

B. Task Force member Ken Podgorsek facilitated a discussion on the Task Force's general expectations on the requirements for Ancillary Bodies. Task Force members proposed the following:

1. Routine meetings should be noticed and open to the public.
2. A list of stakeholders should be maintained and routine information provided.
3. Agendas should be posted 4 calendar days before meetings.
4. Information should be provided on the City's web-site.

Action Item: Staff will work with Ed Davis, the Task Force's Legal Counsel, and Ken Podgorsek to prepare a comparison matrix of the current requirements for ancillary body and policy bodies as it relates to the conduct of public meeting and to create a document that is as close to complete as possible.

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- C. Task Force member Bob Brownstein provided an overview of his proposal to reform the public process related to major public subsidies. Staff requested that this item be deferred to invite representatives from the City's Redevelopment Agency and Office of Economic Development to participate in the discussion.

Public Comment: Dean Munro, Mayor's Liaison to the Task Force, recommended that the City mandate that grantees' applications and reports are made public by providing the documents on-line on the City or grantee's web-site.

V. Discussion on "Reed Reforms"

- A. The Task Force reviewed Mayor Chuck Reed's memo to Council on the Reed Reforms: Items 4-21.
 - 1. Overall the Task Force concurred with Mayor Reed's recommendations. The Mayor recommended that the Task Force continue its work on recommendations related to eight referrals.
 - 2. Significant discussion ensued on Reed Reform Recommendation #8, "directing staff to publish agreements with bargaining units not less than 10 days before a Council meeting." While the Task Force supported the recommendation, it could put the City at risk by limiting its ability to complete future contract negotiations in a timely manner. A pilot approach to implementation was recommended.
 - 3. Significant discussion ensued on Reed Reform Recommendation #17, "directing staff to begin audio recording closed session." While there was no consensus among Task Force members, some members expressed concerns with beginning to audio record closed sessions without a protocol in place for releasing information.

Public Comment: Pete Furman noted, in response to the Task Force's discussion on adopting a "Code of Conduct," that the intent is once the Sunshine Ordinance is complete that the City's Code of Conduct would require that all ordinances, including the Sunshine Ordinance, be followed.

VI. Upcoming Agenda and Work Plan

- A. The January 18, 2007 meeting will primarily focus on revisions to Closed Session requirements.
- B. Task Force members should submit all comments on the Closed Session revisions to staff by January 11, 2007 to include in the next meeting agenda packet.
- C. The Task Force will discuss police records at the Task Force meeting on Saturday, February 24, 2007, beginning with a panel discussion at 1:00 p.m. A tentative hold will be placed on the Committee Rooms for March 24, 2007, pending a final decision on the need to conduct the meeting.

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VIII. Public Comment

Public Comment: Jeff Gold, San José resident, agreed with Task Force member Nanci Williams that public meeting notices should be posted in “3 business days” rather than “72 hours”.

The meeting adjourned at 8:57 p.m.